

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re AppHarvest Securities Litigation

Case No. 1:21-cv-07985-LJL

**NOTICE OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S
FIRST CONSOLIDATED AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Aric H. Wu and exhibits and appendices thereto, and all prior pleadings and proceedings herein, Defendants AppHarvest, Inc., Jonathan Webb, Loren Eggleton, and David Lee will move this Court, before the Honorable Lewis J. Liman, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing Plaintiff's First Consolidated Amended Complaint with prejudice and without leave to amend.

Dated: May 2, 2022

Respectfully submitted,
COOLEY LLP

By: /s/ Aric H. Wu
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